

## **Zoning Administrator Hearing**

Minutes

Mizner Conference Room Mesa City Plaza Building, Suite 130 20 East Main Street Mesa, Arizona, 85201

#### John S. Gendron Hearing Officer

DATE September 18, 2007 TIME 1:30 P.M.

**Staff Present** 

Jeff McVay Jim Hash Katrina Rodgers Constance Bachman **Others Present** 

Bill Petrie Rodger Understiller Linda Madrid Tana Nichols

#### **CASES**

Case No.: ZA07-095TC

Location: 527 North Lewis

Subject: Requesting a variance to allow reduced side setbacks in the R-2 zoning district.

Decision: Approved as submitted.

Summary: Tana Nichols represented the variance requests on behalf of Habitat of Humanity.

Mr. Gendron discussed the request with the applicant and staff. Discussion included the make-up of the neighborhood and the relation of the house to neighboring properties. Ms. Rogers provided a staff report and recommendation. Mr. Gendron agreed with the unique circumstances related to development of the parcel and the compatibility with the neighborhood in approving the

variance.

#### Finding of Fact:

- The property is rectangular in shape. The side setbacks required in the R-2 zoning district are not typical of single-family residential development, and further, not typical of existing development in the area.
- The property is situated in an older area of Mesa. The original lots were split years ago and zoned for multi-family use. The majority of the lots in the immediate area have a lot width of +/- 40 feet, which is far less than the 60 foot minimum lot width required in the R-2 zoning district.
- The strict application of the Zoning Ordinance would limit the property to 10 foot side setbacks and limit the type of housing product due to total width. Several of the properties in the neighborhood have setbacks that are similar to those proposed by Habitat for Humanity. The requested side setbacks are the minimum necessary to construct a typically sized single-family residential home on the lot.

• The approved building setbacks are consistent with other properties in the surrounding area and will not detrimentally affect any neighboring properties.

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Case No.: ZA07-096

Location: 2425 North Greenfield Road

Subject: Requesting variances to allow: 1) a reduction in foundation base and foundation

base landscape requirements; 2) parking and service areas to encroach into the setback from Greenfield Road; and 3) utilization of chain link perimeter fencing all in

conjunction with the development of a hanger in the M-1 zoning district.

Decision: Approved with the following conditions.

1. Compliance with the site plan submitted.

2. Compliance with all requirements of the Design Review Board.

3. Compliance with all requirements of the Building Safety Division with regard to

the issuance of building permits.

Summary: Roger Understiller represented the variance request, noting that he did not have

additional information to present. Mr. Gendron discussed the request with the applicant and staff. Discussion included the how the site would be developed with existing improvements and the degree of building encroachments that will occur. Mr. Hash provided a staff report and recommendation. Mr. Gendron agreed with the unique circumstances related to airport related development, the size and shape of the parcel, and the compatibility with the neighborhood in approving the variance.

#### Finding of Facts:

- The site is located on City of Mesa property, within Falcon Field Airport, and leased to General Aviation Services of Arizona. The site is within the Falcon Field sub area, with frontage along Greenfield Rd. The applicant has provided a letter of support from the Airport Director.
- Due to the size of the lease lot, strict compliance with current development standards would preclude the development of this hanger with sufficient building area and on-site parking, while complying with current setback requirements. The applicant is requesting relief from full development standards due to proximity to the airport and FAA requirements.
- The size of the parcel would not allow the reasonable development of the site consistent with other hangers located at falcon field while complying with current Code development standards.
- The requested deviations from current Code development standards are reasonable and will allow development of a reasonable sized hanger. The proposed 3,051 sf hanger is compatible with, and not detrimental to adjacent properties or neighborhoods.
- The hanger still requires the review and approval of the Design Review Board. The case has been presented to the Design Review Board at a work session and received a favorable initial response.

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Case No.: ZA07-097

Location: 1608 North Greenfield Road

Subject: Requesting a Substantial Conformance Improvement Permit to allow an

office/showroom addition to an existing nonconforming site in the M-1 zoning

district.

Decision: This case was tabled.

Summary: N/A

Findings: N/A

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Case No.: ZA07-098

Location: 3941 North Higley Road

Subject: Requesting a Substantial Conformance Improvement Permit to allow expansion of

an existing industrial building in the M-1 zoning district.

Decision: Approved with the following conditions.

1. Compliance with the site plan submitted.

- 2. Compliance with all requirements of the Design Review Board.
- 3. All stand alone out and storage buildings shall be removed from the site and not replaced.
- 4. A minimum seven-foot (7') wide, at grade foundation base consisting of ground treatment and temporary landscaping shall be provided along the east building elevation.
- 5. Paved areas identified on the site plan with pavement striping (pedestrian route, handicap accessible landing) shall utilize stamped concrete, brick pavers, or other material approved by the Design Review Board.
- 6. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Summary:

Bill Petrie represented the variance request. Mr. Petrie provided a summary of the background of the development of the site and the current request. Mr. Petrie noted agreement with the recommended conditions of approval with the exception of replacement of an existing chain-link fence. Mr. Gendron discussed the request with the applicant and staff. Discussion included the improvements to the site, the chain-link fence, and the existing stand alone buildings. Mr. Hash provided a staff report and recommendation. Mr. Gendron agreed the site met the criteria for approval of a SCIP, but did not agree that benefit would be achieved by replacing the chain-link fence.

#### Finding of Fact:

- The SCIP is provides relief from the current development standards regarding setbacks, landscaping, and foundation base requirements. The SCIP also allows an existing chain-link fence to remain along the interior property lines until such time that development occurs on those adjacent properties, which is also owned by Burdette Cabinets.
- The existing outbuildings, currently located east of the existing shop, will be removed as part of the expansion; this will allow the development of the proposed buildings to follow the same elevation line as the existing buildings.
- Strict Compliance with current development standards would require the demolition of the
  existing shop building as well as the incorporation of foundation base requirement along the east
  side of the proposed addition, which the applicant is requesting relief from due, to future
  expansion.
- The size of the parcel will not allow the reasonable development of the site in conformance while complying with current Code development standards. To provide additional compliance with current development standards, a minimum seven-foot wide at grade foundation base, consisting of ground treatment and temporary plantings, along the east building elevation will be provided.
- The site plan provided, together with the conditions of approval, includes deviations from current Code development standards that are reasonable and will allow expansion of the existing site

consistent with the intent of current development standards. Additionally, the proposed elevations and site plan provide a level of architecture and site design that blends with that of the existing development.

• The proposed 26,618 sf expansion is commensurate with the general plan and is compatible with, and not detrimental to adjacent properties or neighborhoods.

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Case No.: ZA07-099

Location: 2015 West Nopal Avenue

Subject: Requesting a minor modification of a Planned Area Development to allow

construction of a detached ramada in the required rear setback in the R-2-DMP-PAD

zoning district.

Decision: Approved with the following conditions.

1. Compliance with the site plan submitted.

2. Compliance with all requirements of the Building Safety Division with regard

to the issuance of building permits.

Summary: Linda Madrid represented the PAD modification request, noting that she did not

have additional information to present. Mr. Gendron discussed the request with the applicant and staff. Discussion included how the entire subdivision was developed, the resulting setbacks, and the implications to other lots within the development. Mr. Hash provided a staff report and recommendation. Mr. Gendron agreed the request was consistent with intent of the original PAD

approval.

#### Finding of Fact:

• The variance allows the addition of a 30'x15' open covered Ramada/patio to encroach 6 ft 11 in into the required rear yard. The structure will be separated from the main dwelling unit by a distance of 8'-3/4", which has been verbally confirmed by the property owner through Building Safety to not be in violation of any fire restrictions.

- The original PAD established for Laguna Village subdivision of Dobson Ranch set the rear setback
  at 15 feet along with zero lot line setbacks on the common wall side of the joined units. The
  home is relatively small and has a southern exposure. The addition of the covered patio would
  provide relief from the heat radiating on the home.
- The Modification to the PAD is consistent with the surrounding neighborhood, and while the encroachment into the rear setback is six feet-eleven inches the impact is minor due to the adjacent commercial use to the south. The applicant has received approval from both of the Home Owners Associations; Laguna Village and Dobson Ranch.
- The proposed modification is consistent with the intent of the approved PAD and will result in a
  addition that is compatible with, and not detrimental to, adjacent properties in the
  neighborhood.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 02:20 p.m.

The cases for this hearing were recorded and are available upon request.

Respectfully submitted,

John Gendron Hearing Officer

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